

REMARKS

The present Amendment cancels claim 1, amends claims 3 and 9, and leaves claim 10 unchanged. Therefore, the present application has pending claims 3, 9 and 10.

Allowable Subject Matter

The Examiner allowed claim 3. Applicants made minor editorial amendments to claim 3, to more clearly describe features of the present invention. These amendments do not change the substance or scope of the claim. Therefore, Applicants submit that claim 3 is in condition for allowance.

The Examiner indicated that claim 9 would be allowable if rewritten in independent form including the limitations of the base claim and any intervening claims. Applicants have amended claim 9 to overcome this objection, and have made minor editorial amendments to claim 9, to more clearly describe features of the present invention. These editorial amendments do not change the substance or scope of claim 9.

Further regarding claim 9, the Examiner contends that by including the limitations of independent claim 1 into claim 9, the resulting claim 9 would be "virtually the exact same claim as allowed claim 3." The Examiner is reminded that claims do not conflict if they are not coexisting in scope, and contrary to the Examiner's assertions, adding the limitations of claim 1 to claim 9 would not result in the same claim as allowed claim 3.

For example, the Examiner's attention is directed to claim 9, lines 29-39, which include the following limitations:

wherein an individual action tag control agent comprises an individual action tag adding/removing agent for adding the individual action tag or removing the added individual action tag or removing the added individual action tag, under a certain condition, when transmitting from the communication proxy apparatus the information data received by the communication proxy apparatus, and the added data received together with the information data;

wherein the individual action instruction agent comprises a means for storing an action instruction, which should be executed for said individual action tag, as a form of processing program; and

wherein the individual action execution agent comprises a means for executing the held processing program as an individual action for said individual action tag.

All of the above-described features are not recited in independent claim 3.

By way of further example, the Examiner's attention is directed to claim 3, lines 34-47, which include the following limitations:

wherein said individual action definition information comprises an action type classification information for specifying that the individual action definition information is registered according to identification information of target information data and explicit instruction of action information, or that the individual action definition information is registered by an individual action tag added to the information data;

wherein the individual action instruction agent comprises means for registering the action type classification information when individual action definition

information of each information data is registered in the individual action storage means; and

wherein the individual action tag adding/removing agent comprises means for adding an individual action tag corresponding to the information data before transmitting the information data, when for the information data transmitted from the communication proxy apparatus, the identification information of the information data and individual action definition information explicitly specified by action information is stored in the individual action storage means.

All of the above-described features are not recited in either claim 9 or in its base claim (independent claim 1). Therefore, claims 3 and 9 are distinguishable, and are not drawn to identical subject matter.

Accordingly, Applicants submit that claims 3, 9 and 10 are in condition for allowance.

Response to Arguments

The Examiner contends that one cannot show nonobviousness by attacking references individually where the references are based on combinations of references, citing *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981) and *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Applicants are aware of this rule of law. However, it should be noted that Applicants argued that the features of the present invention are not taught or suggested by Logue, Cao or Shrader, whether taken individually **or in combination with each other**. The Examiner is reminded that the combination of references must teach each and every

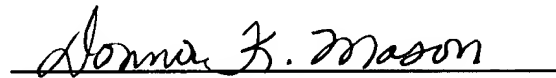
element of the claims. If each and every element is not taught by the combination of references, then a nonobviousness rejection is not proper.

In view of the foregoing amendments and remarks, Applicants submit that claims 3, 9 and 10 are in condition for allowance. Accordingly, early allowance of claims 3, 9 and 10 is respectfully requested.

To the extent necessary, Applicants petition for an extension of time under 37 CFR 1.136. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, or credit any overpayment of fees, to the deposit account of Mattingly, Stanger & Malur, P.C., Deposit Account No. 50-1417 (referencing attorney docket no. 520.40411X00).

Respectfully submitted,

MATTINGLY, STANGER, MALUR & BRUNDIDGE, P.C.

A handwritten signature in cursive script, reading "Donna K. Mason", is written over a horizontal line.

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